

Written Reply

To Commissioner of Japanese Patent Office

1. Identification of International Application:
PCT/JP2004/019191

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5. Contents of Reply

(1) Circumstances and Outline of the Reply

A PCT Written Opinion, dated March 29, 2005 (date of mailing), was issued from the International Searching Authority.

This Written Opinion indicated the opinion that the inventions described in Claims 1 to 4 and Claims 6 to 12 of the present Application lack inventiveness on the basis of Cited References 1 to 3, and the invention described in Claim 13 lacks novelty and inventiveness on the basis of Cited References 1, 2, and 4.

In response to the above, the present Applicant, on October 25, 2005, has submitted a Procedure Amendment based on Article 11 of the International Application Law to restrict the invention related to the International Application and hereby submits this Written Reply to reply to the above Written Opinion.

(2) Contents and Outline of the Amendment

The present Applicant has submitted an Amendment based on Article 11 of the International Application Law on the same date as the present Written Reply. In outline, the contents

of the Amendment are as follows.

- a. "(3) a standing step of leaving the to-be-processed object, subjected to the second step, still in an indoor environment" was added to Claim 1 to restrict the contents of Claim 1.
- b. Claims 6, 7, and 9 were deleted.
- c. The phrase: "in the interior of" in Claim 13 was replaced by the phrase: "concentratedly at a central portion of" to restrict the contents of Claim 13.

That "the to-be-processed object is subject to standing between the second step and the third step" is clearly described in the initial Claim 6, that "the standing step is a step of leaving the to-be-processed object still in an indoor environment" is clearly cited in the initial Claim 7, and that "voids are present concentratedly at a central portion" is clearly cited in the initial Specification (see line 20 of page 28, etc.). It is hereby noted that these amendments have been made within a scope of matters cited in the initial Specification, etc., and matters obvious from such matters.

(3) On the inventiveness of the invention according to Claim 1

The abovementioned Written Opinion indicates the opinion:

"the invention described in Claim 1 prior to amendment lacks inventiveness on the basis of Cited References 1 to 3".

"(3) a standing step of leaving the to-be-processed object, subjected to the second step, still in an indoor environment" was thus added between the second step and the third step of Claim 1 to restrict the contents of Claim 1.

This invention shall now be compared with the inventions described in Cited References 1 to 3 to examine whether or not it is inventive.

Claim 1 after amendment reads as follows:

1. A method for manufacturing dried food to be eaten after cooking or reconstituting in hot water,

the dried food manufacturing method being characterized in successively subjecting a to-be-processed object, obtained by processing a prepared object of a raw material containing starchy matter to a predetermined shape, to at least the following steps (1) to (4) :

(1) a first step of subjecting the to-be-processed object to a boiling treatment;

(2) a second step of putting the boiled to-be-processed object in contact with an aqueous solution after the first step;

(3) a standing step of leaving the to-be-processed object,

subjected to the second step, still in an indoor environment; and

(4) a third step of subjecting the to-be-processed object, subjected to the standing step, to a wind drying treatment at conditions of a temperature of 45 to 100°C and a humidity of 5 to less than 55%.

① On the differences among the inventions

a. Differences with respect to the invention described in Cited Reference 1

An invention of "a method of boiling a paste product in boiling water, etc., rapidly cooling the boiled product, immersing the cooled paste into an excess of immersion water to greatly expand the volume of the product, and drying the expanded paste product at no more than 99°C" is described in Cited Reference 1 (see the "Detailed Description of the Invention" and the "Claims" of Cited Reference 1).

The abovementioned Written Opinion indicates, "the step of expanding the volume by placing in water as described in Cited Reference 1 is admitted as being equivalent to 'standing'."

However, the particular inventive matters of the two inventions clearly differ in the point of "immersing in an excess of immersion water" and the point of "leaving still in an indoor

environment".

b. Differences with respect to the invention described in Cited Reference 2

An invention of "a method of solidifying raw noodles, etc., by boiling for a short time, then upon water rinsing or not water rinsing, making edible oil become attached to the partially solidified object as necessary, and drying by a hot wind of a temperature no less than the solidification temperature of starch" is described in Cited Reference 2 (see the "Claims" and the "Detailed Description of the Invention" of Cited Reference 2).

The abovementioned Written Opinion indicates, "the state of noodles between the boiling treatment and the water rinsing treatment steps described in Cited Reference 2 is admitted as being equivalent to 'standing' in Claim 7". As indicated, there is no clear description concerning "standing" in Cited Reference 2 (see Cited Reference 2).

In contrast, in the present invention, "standing" is carried out with the clear object of "making the aging of the surface of the to-be-processed object progress appropriately" (see line 25 of page 6 and line 10 of page 13 of the Specification).

It is indicated in Cited Reference 2 that a "water rinsing

treatment" is performed to "remove sliminess on the surface" (see "Detailed Description of the Invention" of Cited Reference 2). It is considered that if noodles are subject to "standing" by being left still in an indoor environment for a certain period between the "boiling treatment" and the "water rinsing treatment," the noodle strings will stick to each other and it will not be possible to remove the sliminess on the surface.

The state of noodles between the boiling treatment and the water rinsing treatment step as described in Cited Reference 2 thus cannot be considered to be equivalent to "standing" and especially to "standing" by leaving still in an indoor environment.

Even if it is granted that the state of noodles between the boiling treatment and the water rinsing treatment step as described in Cited Reference 2 is equivalent to "standing", the state of noodles between the boiling treatment and the water rinsing treatment step is a portion within a series of steps and it cannot be considered that "standing" is carried out with a predetermined purpose.

The two inventions thus clearly differ in the point of "being a portion within a series of steps" and "being a standing step with a clear purpose".

c. Differences with respect to the invention described in Cited Reference 3

An invention of "a method of boiling noodle strings and then after cutting the noodle strings to an amount for a single meal, hot wind drying the noodle strings" is described in Cited Reference 3 (see the "Claims" and the "Detailed Description of the Invention" of Cited Reference 3).

However, there is no clear description concerning "standing" in Cited Reference 3.

The present invention and the invention described in Cited Reference 3 thus clearly differ in the point of the "standing step".

② Advantageous effects compared to the cited inventions

The "standing step of leaving still in an indoor environment" of the present invention, which is a point of difference with respect to the inventions described in Cited References 1 to 3, is performed to "adjust the water content gradient" and "promote the aging of the surface of the to-be-processed object appropriately (see line 25 of page 6 to line 2 of page 7 and line 10 of page 13 of the Specification).

The advantageous effects that the water content gradient adjustment is carried out effectively in continuation to the

second step and that, as a result of appropriate progress of the aging of the surface of the to-be-processed object, mutual sticking of surface portions of the to-be-processed object can be prevented effectively are thus provided (see line 26 of page 6 to line 2 of page 7 and line 11 of page 13 of the Specification).

That the present invention provides advantageous effects in comparison to the inventions described in Cited References 1 to 3 can thus be ascertained clearly from the description in the Specification.

③ Summary

The invention according to Claim 1 has clear points of difference and differs completely in object with respect to the inventions described in Cited References 1 to 3. Furthermore, as mentioned above, that the present invention provides advantageous effects in comparison to the inventions described in Cited References 1 to 3 can be ascertained clearly from the description in the Specification.

From the above, it is impossible to rationalize that one skilled in the art can readily arrive at the present invention based on the descriptions of Cited References 1 to 3, and it is thus considered that the present invention is inventive.

(4) On the inventiveness of the inventions according to Claims 2 to 5, 8, and 10 to 12

The opinion that "the inventions according to Claims 2 to 5, 8, and 10 to 12 lack inventiveness on the basis of Cited References 1 to 3" was indicated in the abovementioned Written Opinion.

Here, as described above, the invention according to Claim 1 after amendment is inventive.

Claims 2 to 5, 8, and 10 to 12 are dependent claims of Claim 1 and restrict the contents of Claim 1 further.

Thus the inventions according to Claims 2 to 5, 8, and 10 to 12, which are dependent claims of Claim 1, are inventive.

(5) On the novelty and the inventiveness of the invention according to Claim 13

The abovementioned Written Opinion indicates the opinion: "the invention according to Claim 13 lacks novelty on the basis of Cited Reference 4". This invention shall now be compared with the invention described in Cited Reference 4 to examine its novelty and inventiveness.

a. On novelty

The present invention and the invention described in Cited

Reference 4 are matched in regard to the point of being dried noodles having voids. However, whereas the voids of the dried noodles described in Cited Reference 4 are admitted as being present dispersedly on and in the entire surfaces and interiors of noodle strings (see the "Drawings" of Cited Reference 4), the voids of the dried noodles of the present invention are admitted as being not present on surface portions but being present concentratedly at an internal central portion (see FIG. 3 and FIG. 4).

Because the invention according to Claim 13 after amendment and the invention described in Cited Reference 4 thus have clear point of difference, the invention according to Claim 13 after amendment is considered as being novel.

b. On inventiveness

By having the above point of difference with respect to the invention described in Cited Reference 4, the present invention provides an advantageous effect that is not described in Cited Reference 4.

It is described in Cited Reference 4 that due to being present dispersedly on and in the entire surfaces and interiors of noodle strings, the voids of the noodles described in Cited Reference 4 can absorb hot water uniformly over the entirety

in the process of hot water reconstitution.

On the other hand, it is clearly indicated that because the voids of the dried noodles according to the present invention are not present on the surface portions but are present concentratedly at the internal central portion, hot water permeates towards the central portion by the capillary phenomenon, etc., via the numerous cracks, formed in the range from the central portion to the surface portion, in the process of hot water reconstitution (see line 25 of page 28 of the Specification). It is also clearly indicated that as a result, a core is not left at the central portion of each noodle string after hot water reconstitution (see line 8 of page 8 of the Specification).

Furthermore, it is also clearly indicated that because cracks and voids are not present on the surface with the present invention, a smooth texture close to that obtained when raw noodles are cooked is obtained (line 5 of page 6 of the Specification).

Thus with the dried noodles according to the present invention, because voids are present concentratedly at the internal central portion, the advantageous effect that hot water permeates towards the central portion, the advantageous effect that a core is not left in the central portion of each noodle

string after hot water reconstitution, and the advantageous effect that a smooth texture close to that obtained when raw noodles are cooked is obtained can be ascertained clearly. It cannot be considered that one skilled in the art can arrive readily at the present invention with such advantageous effects based on the description of Cited Reference 4.

It is thus impossible to rationalize that the present invention can be arrived at readily by one skilled in the art based on the description of the abovementioned Cited Reference 4 and it is thus considered that the present invention is inventive.

c. On matters indicated in the Written Opinion

The abovementioned Written Opinion indicates, "because the noodles described in Reference 1 and Reference 2 are manufactured by the same manufacturing process as that according to Claim 1 prior to amendment, these noodles are also the same in arrangement as those according to Claim 13 prior to amendment".

However, as a result of the "standing step of leaving the to-be-processed object, subjected to the second step, still in an indoor environment" being added to the manufacturing process according to Claim 1 by the present Amendment, the

manufacturing method described in Claim 1 after amendment clearly differs from the manufacturing processes of References 1 and 2. The logic that the noodles described in Reference 1 and Reference 2 are manufactured by the same manufacturing process as that according to Claim 1 thus no longer holds.

(8) Conclusion

As explained above, it is considered certain that the present invention after amendment is an invention that meets the requirements of novelty and inventiveness. It is requested that the above points be taken into account and an International Preliminary Examination Report indicating the examination result that this invention is novel and inventive be prepared.